

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**RICHARD BROWN**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 4:08CV117-P-S**

**OFFICER THOMAS M. “MIKE” MULLINS**

**DEFENDANTS**

**ORDER**

This cause is before the Court on the defendant’s Motion for Summary Judgment [29]. The Court, having reviewed the motion, the movant’s brief and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant filed his motion seeking summary judgment on grounds of qualified immunity on May 18, 2010. Plaintiff, to date, has not responded to the pending motion. Review of the record before the Court reveals that the defendant has asserted his qualified immunity claim in good faith. Accordingly, plaintiff bears the burden of demonstrating a triable issue of fact on the issue. His failure to respond to the motion for summary judgment compels the conclusion that he has not met that burden.<sup>1</sup> Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant’s Motion for Summary Judgment [29] is well-taken and should be, and hereby is, GRANTED.

SO ORDERED, this the 28<sup>th</sup> day of September, 2010.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Review of the evidence of record to date likewise convinces the Court that plaintiff can establish neither a violation of a clearly established constitutional right nor that Officer Mullin’s actions were objectively unreasonable under the circumstances.